

Translation

PATENT COOPERATION TREATY

PCT/CH2003/000644



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 153935.2/SZ/tr	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CH2003/000644	International filing date (day/month/year) 26 September 2003 (26.09.2003)	Priority date (day/month/year) 27 September 2002 (27.09.2002)
International Patent Classification (IPC) or national classification and IPC B29C 47/02		
Applicant KERTSCHER, Eberhard		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ (sent to the applicant and to the International Bureau) a total of 7 sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 03 April 2004 (03.04.2004)	Date of completion of this report 22 December 2004 (22.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2003/000644

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☒ the description:

pages _____ 5-10 _____, as originally filed/furnished

pages* _____ 1, 2, 3, 4, 4a _____ received by this Authority on _____ 14 October 2004 (14.10.2004)

pages* _____ received by this Authority on _____

☒ the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ 1-7 _____ received by this Authority on _____ 14 October 2004 (14.10.2004)

pages* _____ received by this Authority on _____

☒ the drawings:

pages _____ 1/3-3/3 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH 03/00644

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 7	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 7	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: WO-A-9 962 691

2. An attempt is made in the feature "which corresponds to the outer contour of the tube body in the area of the calibration device" (cf. claim 1, lines 19-20) to describe an indentation by referring to an entity that does not fall within the intended scope of protection. This feature is thus formally responsible for a lack of clarity in the subject matter of claim 1 (cf. PCT Guidelines, paragraph 5.37).

3. The following should be noted with regard to the requirements of PCT Article 33(2):

3.1. Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references in parentheses are to D1): a device for the continuous manufacture of drip irrigation tubes, comprising an extrusion device for producing a tube body (ET), a calibration device (4) and a cooling system (5a) for the tube body (ET), a feeding device (3) for feeding dispensing elements (DU) into the

tube body (ET) along a track (10), and means for connecting the dispensing elements (DU) to the inner wall of the tube body (ET), said connecting means consisting of a pressing element, which is formed by the end region of the track (10) and projects into the extruded tube body (ET), and a pressing roller (20), which can be pressed against the tube body (ET) externally in the area of the pressing element, the calibrating device (4) being formed from a tubular body (4a) with an entrance area that narrows to the desired diameter of the tube body (ET) and with an elongate body region (4a) that projects into the cooling system (5a) and that is provided with a recess (28) into which the pressing roller (20) projects, and hence the process of pressing and connecting the dispensing elements (DU) to the inner wall of the tube body (ET) occurs within the calibration device (4) (cf. page 8, line 11 to page 9, line 12 and figures 6-9).

- 3.2. The subject matter of claim 1 thus differs from the prior art known from D1 in that the pressing roller (18) has an indentation (20) which corresponds to the outer contour of the tube body (2) in the area of the calibration device (3) and in that, at least at the bottom of the indentation (20) of the pressing roller (18), a marking structure (21) is applied over the entire circumference that can be transferred to the surface of the tube body (2) in the area of each dispensing element (6) and that aids in locating the position of each dispensing element (6) for providing the outlet opening.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

3.3. The problem to be solved by the present invention can thus be seen as that of providing a device for manufacturing drip irrigation tubes with which the position of the dispensing elements applied in the tube body can be detected externally (cf. page 2, lines 27-32).

The solution to this problem as proposed in claim 1 of the present application appears to involve an inventive step because the prior art does not give any suggestion of the inventive solution, namely the use of a pressing roller with a marking structure that allows the position of each dispensing element to be detected.

Therefore, claim 1 fulfills the criterion set out in PCT Article 33(3).

4. Claims 2-7 are dependent upon claim 1 and thus likewise satisfy the PCT requirements with respect to novelty and inventive step.
5. Claims 1-7 fulfill the criterion set out in PCT Article 33(4).